

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ROBERT SAXTON §  
v. § CIVIL ACTION NO. 9:06cv154  
CONSOLIDATED COMMUNICATIONS §

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation, filed on September 8, 2006, recommends that the complaint be dismissed without prejudice for failure to prosecute as a result of Plaintiff's failure to pay the filing fee and to file an amended complaint setting forth his cause of action and basis for federal court jurisdiction. No written objections have been filed in response to the Report and Recommendation. On September 13, 2006, Plaintiff's motion for an extension of time to pay the filing fee and to file an amended complaint was granted and Plaintiff's deadline was extended to October 13, 2006. The Court received an acknowledgment of receipt revealing that Plaintiff received the Order on September 18, 2006. To date, Plaintiff has not paid the filing fee or filed an amended complaint as ordered. Therefore, the findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court. In light of the foregoing, it is

**ORDERED** that the complaint is **DISMISSED** without prejudice pursuant to Fed.R.Civ.P.

41(b). Any motion not previously ruled on is **DENIED**.

**SIGNED** this the **25** day of **October, 2006**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge